THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23088 of 2006

08.11.2006

Between:

Manda Hemalatha, W/o.M.Konda Reddy

... Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23088 of 2006

ORDER:

The petitioner purchased the plot bearing No.146 admeasuring 350 Sq.yards in S.No.5/3 situated at Raidurg, Panmaqtha Village of Serilingampally Mandal in Ranga Reddy District belonging to Smt.Kkrithika Ramchandani. When the sale deed was presented before the fifth respondent for registration, he refused to receive the same for registration on the ground that in respect of S.No.5, L.G.C.No.13 of 2004 is pending. Aggrieved by the same, the present writ petition is filed seeking direction to the respondents to register the sale deed presented by the petitioner.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (General-A), when once the second respondent i.e., the Registering Authority keeps the document pending for certain reason, remedy of the person presenting the document is to file appeal under Section 71 of the Registration Act, 1908 (the Act, for brevity). If the Appellate Authority directs the registration of such document, the Registering Authority is bound to register the document. In case, the Appellate Authority declines to give direction for registration, the aggrieved person has to file a suit under Section 77 of the Act.

In this case, though the land was purchased by the petitioner, there is a controversy and L.G.C. is pending in respect of the said land. Therefore, it would be in the interest of the petitioner to file

appeal within one week from the date of receipt of a copy of this order. As and when the petitioner files appeal, the appellate authority may decide the appeal within a period of one week thereafter. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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November 08, 2006 (**V.V.S.RAO,J**)

NOTE:
Dispatch order copy by
15.11.2006.
(By order)
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